

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**LEE NICHOLS,**

**Defendant.**

**No. 17-cr-30153-DRH**

**ORDER**

**HERNDON, District Judge:**

Now before the Court is defendant's motion to continue trial (doc. 47). Due to a superceding indictment, defendant needs more time to properly prepare for trial. The government does not object to a continuance of the trial. The Court being fully advised in the premises finds that defendant needs additional time to prepare for trial. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by the granting of such continuance outweigh the best interests of the public and defendant in a speedy trial. The Court also finds that to deny a continuance of the matter would result in a miscarriage of justice.

Therefore, the Court **GRANTS** defendant's motion to continue trial (doc. 47). The Court **CONTINUES** the jury trial scheduled for July 30, 2018 to **November 5, 2018, at 9:00 a.m.** The time from the date the original motion was filed, July 23, 2018, until the date to which the trial is rescheduled, November 5, 2018, is

excludable time for the purposes of speedy trial.

Should either party believe that a witness will be required to travel on the Justice Prisoner and Alien Transportation System (JPATS) in order to testify at the trial of this case, a writ should be requested at least two months in advance.

**IT IS SO ORDERED.**

*David Herndon*



Judge Herndon

2018.07.24

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**United States District Court**